

## REMARKS

By the present amendment, Claims 1 to 5 have been deleted and a new has been added which effectively incorporates the features of these deleted claims. Claim 7 has been deleted and replaced with new Claim 23, thereby dealing with the Examiner's objections to the claims in terms of the second paragraph of 35 USC 112. It is submitted that new Claim 22 also is clear of the Section 112 objection/rejection. Claim 17 has been deleted to overcome the Examiner's objection with respect to the drawings. And, Claim 21 has been deleted.

Applicant submits that the object of his invention is to enable the construction of roads, known as asphalt roads, that are more resistant to road failure than existing asphalt roads, particularly also road failure resulting from reflective cracking and rutting, as is explained on page 2, line 5 to 18, of the specification as filed.

In order to achieve his objectives, Applicant proposes the use of stabilizing bodies that are substantially rigid, planar bodies and that in combination can form a stabilizing structure over the base for a road being constructed. The bodies define a cellular configuration so that the formation of wearing course of asphalt composition fills the cells of the body and forms a layer above the bodies that define the exposed road surface.

In order to be effective, Applicant has found that the asphalt composition must be effectively integrated with the stabilizing bodies, this being achieved by providing projecting anchoring formations within the cells of the bodies.

Applicant submits in the above regard that the loads acting on a road surface as a result particularly of heaving load carrying vehicles passing over a road surface are substantial and that as a result of the inherent characteristics of asphalt, and the like, when forming a road surface, in terms of compressibility, flexibility, pliability, and the like, if an effective anchor is not provided between a stabilizing structure and the asphalt, even though the structure may be partially effective in reducing rutting, delamination between asphalt and the stabilizing structure can occur and, as a result, reflective

cracking will in fact be induced and road failure could in fact be accelerated.

Applicant particularly submits in this regard also that the above is the reason why the use of a stabilizing structure in the construction of a road has previously not found great favour, the reduction of both rutting and reflective cracking having to be effective in relation to the use thereof, in order to render its use cost-effective.

Although a single rib formation projecting from the side walls defining each cell of a stabilizing body has been considered, it has been found that the "single anchor" so provided still permits substantial shear forces to act within the asphalt material when heavy vehicles pass over an associated road surface and, as such, multiple rib formations projecting from the side walls of each cell of a stabilizing structure have been found to be most effective for anchoring asphalt material within the cells, multiple rib formations projecting from the side walls of each cell of stabilizing structure have been found to be most effective for anchoring asphalt material within the cells, multiple rib formations effectively providing for anchoring of the asphalt material at different levels within the cells of stabilizing bodies, thus effectively spreading the shear loads acting with the asphalt material within the cells and effectively eliminating the possibility of reflective cracking occurring.

The Examiner's rejection of claims 1-21 for being anticipated by or unpatentable over the Montgomery US Patent No. 23,038, as these rejections may be attempted to be applied against the amended and new claims, are respectfully traversed.

The Montgomery invention is titled "Corrugated-iron pavement" and the specification discloses the use of corrugated plates in relation to the construction metallic pavements. It is clearly apparent that the corrugated plates can in no way be equated with the stabilizing body the forms the subject matter of the Applicant's invention, the corrugated plates referred to defining corrugations/grooves along the length thereof, the grooves being filled with concrete, or other matter. The corrugated plates clearly do not define a multi-cell configuration as suggested and it is pointed out in this regard that Figures 1,2 3 and 4, which are referred to by the Examiner, shows sections transversely of the corrugations defined by the corrugated plates (see column 1, lines 15 to 17).

Column 1, lines 42 to 44 also refer to the corrugated plates being produced by rolling in a direction transversely to the corrugations and it will be understood that cells as envisaged cannot be formed by a rolling process.

It is thus submitted that Montgomery is incorrectly cited and that it does not disclose any of the features of stabilizing body that form the subject matter of the Applicant's invention, as is suggested by the Examiner in his Office Action.

Although the above should effectively deal with the claim rejections based upon both 35 USC §102 and 35 USC §103, a brief consideration of the disclosure of US patent 3,238,682 (Tracy et al.) which is also specifically referred to by the Examiner, indicated that Tracey discloses a floor tile that can form a terrazzo-like surface, the tile being a preformed tile formed of a preformed grid structure that defines cells that have a settable material set therein, hence providing rigid tiles that can be laid adjacent one another for forming a floor surface.

There clearly is no relevance in relation to the construction of roads and the only possible relevance relates to its disclosure of a tapering or a square rib that may project from the side walls of individual cells that serve as anchors for the settable material in the cells. The design of these formations clearly will not render them effective in relation to the anchoring of asphalt within cells, the angular cross-sectional profile of these formations being such that they would in fact induce reflective cracking within asphalt material if such formation were applied to the side walls defining the cells of the stabilizing body of the Applicant's invention. It is again suggested that this patent is incorrectly cited insofar as it related to a completely different field of technology.

The Applicant also has considered all the remaining prior art patents referred to by the Examiner and confirms that the disclosure of these patents cannot be considered to be relevant to the patentability of his invention.

It is thus respectfully submitted by the Applicant that based upon the prior art relied upon by the Examiner, the invention claimed in the new and amended claims is novel and unobvious and that the pending claims are otherwise in condition for

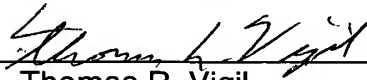
allowance. An early and favorable action to that end is requested.

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Respectfully submitted,

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